



UNIVERSAL ENGINEERING SCIENCES

Consultants In: Geotechnical Engineering • Environmental Sciences
Geophysical Services • Construction Materials Testing • Threshold Inspection
Building Inspection • Plan Review • Building Code Administration

LC	FILED
	Department of Business and Professional Regulation
	Deputy Agency Clerk
	CLERK Brandon Nichols
	Date 11/30/2016
	File #
	Palm Coast
	Panama City
	Pensacola
	Rockledge
	Sarasota
	St. Petersburg
	Tampa
	Tifton
	West Palm Beach

Petition for Declaratory Statement Before Florida Building Commission

Company: Universal Engineering Sciences, Inc.
3532 Maggie Blvd
Orlando, FL 32811
Name: Mark C. Israel, P.E.
President
MIsrael@universalengineering.com
Phone (407) 423-0504

DS 2016-092

Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

Florida Building Code Section 110.8.6

Background:

Universal Engineering Sciences provides, among other services, threshold inspection services under Florida Statute 553.79(5). This statute stipulates the Special Inspector shall be licensed by the state of Florida under Chapter 471 or 481. Statute 553.79(5) also states the requirements of the Special Inspector's duly authorized representative. Universal Engineering Sciences has provided these services since the inception of the statute in the 1980s for approximately 10,000 structures in approximately 90% of the state's municipalities.

Recently, some building offices have required that the duly authorized representative of the Special Inspector be qualified as a building inspector or a Special Inspector under Part X11 of Chapter 468, Florida Statutes or be certified as a Special Inspector.

We believe that the building departments are mis-reading Section 110.8.6 of the Florida Building Code as below:

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

We believe that the intent of the highlighted sentence is for the occasion where the Building Department does not wish to or cannot perform their required structural inspections and in that instance if the Special Inspector's Duly Authorized representative is also qualified as a building inspector under Part XII of Chapter 468, then the building department does not have to provide the duplicative inspection.



The requirements for the Special Inspector's Duly Authorized representative are as follows:

Chapter 61G15-35.004(2) F.A.C. Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education, licensure, or training to perform the duties assigned by the Special Inspector. Effective July 1, 2016, those qualifications shall include:

(e) Four years of Threshold Building inspection training on non-Threshold Buildings performed under the supervision of a Special Inspector who was in responsible charge of the trainee's work

Note, the Special Inspector's Duly Authorized Representative is **NOT REQUIRED** to be qualified as a Building Inspector.

We do not believe that the building department can require the Special Inspector's Duly Authorized Representative to have certification above and beyond that which is required under Section 553.79(5).

Universal has recently provided a proposal for threshold inspection services for a 22-story residential building. The Special Inspection Plan prepared by the engineer of record requires the Special Inspector and His Duly Authorized Representative to meet the requirement of Section 553.79(5)..

We believe that these excessive requirements are placing an undue burden on our company, our staff and our clients. We request a declaratory statement to the following question:

Can a building department or building official require a Special Inspector's Duly Authorized Representative, to be licensed or certified under Part XII of Chapter 468 which is in excess of the requirements of the Duly Authorized Representative as described in Section 553.79(5).

A handwritten signature in black ink, appearing to read 'Mark C. Israel'.

Mark C. Israel, P.E.
President

Docs 1405837/1377934/1406770